

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of WILLIESHA RIDDLE and
WILLIE RIDDLE, JR., Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIE RIDDLE, SR.,

Respondent-Appellant.

UNPUBLISHED

January 15, 2008

No. 278655

Kalamazoo Circuit Court

Family Division

LC No. 95-000022-NA

In the Matter of ANDREW RIDDLE and
JAZMINE RIDDLE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

WILLIE RIDDLE, SR.,

Respondent-Appellant.

No. 278656

Kalamazoo Circuit Court

Family Division

LC No. 06-000199-NA

Before: Schuette, P.J., and Borrello and Gleicher, JJ.

PER CURIAM.

In these consolidated appeals, respondent appeals as of right from the orders terminating his parental rights to the minor children under MCL 712A.19b(3)(h) and (k)(ii). We affirm.

I. FACTS

On May 22, 2007, respondent, Willie Riddle, Sr., had his parental rights terminated to Willie Riddle, Jr., Williesha Riddle, Andrew Riddle, and Jazmine Riddle. Termination of respondent's parental rights stems from several allegations of criminal sexual conduct (CSC)

towards Williesha Riddle and Sarah Daly. On October 20, 2006, respondent pleaded guilty to first-degree CSC involving Sarah and no contest to first-degree CSC involving Williesha. He was sentenced to 7½ to 25 years in prison.

Respondent was not Sarah Daly's father. Respondent and Sarah Daly's mother, Shelby, first met in 1996, and a month later, they moved in together along with Sarah and her two siblings. Around 2000 to 2001, Willie, Jr. and Williesha moved in with them, and in 1996 and 1998, Andrew and Jazmine were born. Shelby testified that respondent was a good, supportive father and would never harm Andrew or Jazmine. The couple was never married.

Allegations were made that respondent had engaged in sexual intercourse and inappropriate touching with Sarah since she was eight, and Williesha said that respondent had sexually abused her since she was ten. Respondent confessed to engaging in sexual intercourse with Sarah in the fall of 2005. Shortly after, Sarah became pregnant, but it is unclear whether the baby's father is respondent or Willie, Jr. Respondent denied the allegations regarding Williesha. However, Achia Bates, half-sister to Willie, Jr. and Williesha, explained that she walked in on respondent with his penis exposed and Williesha bent over the couch without any underwear on. Williesha also said that before school one morning, respondent told her to take off her pants, and he then put his penis in her anus.

In convincing Williesha to have sex with him, Williesha stated that respondent told her that "everybody does it, and that there's nothing wrong with it." Williesha also stated that respondent "on multiple occasions stuck his penis in her vagina, her buttocks, and her mouth." In a police investigation report, interviews with Sarah, Williesha, Achia, and Sarah's Aunt Dawn, described in detail the physical and sexual abuse and threats by respondent and the effects on the children. At respondent's preliminary examination, Williesha was "visibly depressed" and "shaking uncontrollably."

At the termination trial, a stipulation was entered that attorney William Sykes, who represented respondent in the criminal case, would testify that he received a phone call from Sarah and Williesha the day after respondent's preliminary examination. The girls explained that they had lied at the preliminary examination and wanted to recant their statements because they had felt pressured by the prosecution.

II. STATUTORY GROUNDS FOR TERMINATION

A. Standard of Review

To terminate parental rights, the trial court must find that at least one statutory ground for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). We review the trial court's decision for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A decision is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

B. Analysis

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Respondent's parental rights were terminated under MCL 712A.19b(3)(h) and (k)(ii), which provide:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

* * *

(h) The parent is imprisoned for such a period that the child will be deprived of a normal home for a period exceeding 2 years, and the parent has not provided for the child's proper care and custody, and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(k) The parent abused the child or a sibling of the child and the abuse included 1 or more of the following:

* * *

(ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.

Respondent was convicted of two counts of first-degree CSC in connection with sexual assaults on Williesha and Sarah. He was sentenced to 7½ to 25 years in prison. Given the evidence of the sexual assaults on his own daughter and on the half-sister of two of the minor children, and the lengthy prison term respondent received, the requirements of MCL 712A.19b(3)(h) and (k)(ii) were met by clear and convincing evidence with regard to all four children. *In re Powers*, 208 Mich App 582, 588-593; 528 NW2d 799 (1995).

Further, the trial court appropriately dealt with the evidence that the girls recanted their testimony to respondent's criminal attorney. The court found that Sarah was still a child and confused about her situation, and anything she would do or encourage Williesha to do would be questionable. The court had Williesha's preliminary examination testimony; admissions by respondent to police, the caseworker, and Shelby Daly; and statements by Williesha and Sarah regarding the sexual assaults. Further, Williesha and Sarah were under tremendous pressure from members of respondent's family who challenged their statements. Thus, it was very likely that the recantings were not true. Therefore, the trial court did not clearly err in finding clear and convincing evidence to terminate respondent's parental rights under subsections (h) and (k)(ii).

III. BEST INTERESTS OF THE CHILDREN

A. Standard of Review

If the trial court determines that a statutory ground for termination has been established, the court must terminate parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 356-357.

B. Analysis

The trial court did not commit clear error in finding that termination was not clearly contrary to the children's best interests.

Respondent argues that the trial court did not properly apply the best interests standard. However, the court stated that termination was required unless it was shown by clear and convincing evidence that termination was not in the children's best interests. This is a paraphrase of the correct standard. *Trejo*, *supra* at 353. Further, extensive findings on best interests are not required if not warranted by the evidence. *In re Gazella*, 264 Mich App 668, 678; 692 NW2d 708 (2005).

Here, the court found "absolutely no doubt that it is in [the children's] best interest" to terminate respondent's parental rights. This view was supported by the evidence. Although Shelby Daly did testify that respondent was a good father to Andrew and Jazmine, respondent is incorrect in stating that there was no evidence that he ever harmed Andrew or Jazmine. Sarah told Officer Scott Miller that respondent punched all of the children with his fist. Further, the then eight-year-old brother who almost caught respondent with Williesha was probably Andrew. And at the time the case was pending, Andrew was suspended weekly for fighting at school. Also, Shelby Daly told Families First that respondent was "abusive and physical and verbal violence occurred on a daily basis." Shelby said respondent would beat the children if they did not complete chores. Shelby's sister Dawn told police that she suspected respondent was abusing Shelby, who had "black eyes and bruises on her all the time." Respondent was very controlling and Achia said that he would not let Sarah go anywhere, including school. Finally, the sexual assaults on Williesha and Sarah began when these girls were younger, about eight to ten years old, and these were accompanied by threats of violence and even death. The danger to Jazmine, who will be ten in January 2008, is obvious. Accordingly, it was clearly not against any of the children's best interests to terminate respondent's parental rights.

Affirmed.

/s/ Bill Schuette
/s/ Stephen L. Borrello
/s/ Elizabeth L. Gleicher